

pplication of:

Confirmation No.: 9211

QUIGLEY et al.

Art Unit: 2661

Appl. No.: 09/780,179

Examiner: Ian N. Moore

Filed: February 9, 2001

Atty. Docket: 1875.132000

For: Robust Techniques For Optimal

NOV 1 9 2004

Upstream Communication Between Cable Modem Subscribers And A

Headend

Technology Center 2600

First Supplemental Information Disclosure Statement

Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. The numbering on this First Supplemental Information Disclosure Statement is a continuation of the numbering in Applicants' Information Disclosure Statement filed on February 9, 2001 in connection with the above-captioned application.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

Applicants have checked the appropriate boxes below.

- □ 1. Statement under 37 C.F.R. 1.704(d). Each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this information disclosure statement.
- 2. Filing under 37 C.F.R. § 1.97(b). This Information Disclosure Statement is being filed within three months of the date of filing of a national application other than a continued prosecution application (CPA), OR within three months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 in an international application, OR before the mailing date of a first Office Action on the merits OR before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. § 1.114. No statement or fee is required.

- - a. Statement under 37 C.F.R. § 1.97(e)(1). I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
 - b. Statement under 37 C.F.R. § 1.97(e)(2). I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
 - c. Attached is our PTO-2038 Credit Card Payment Form in the amount of \$180.00 in payment of the fee under 37 C.F.R. § 1.17(p).

4.	Filing under	37 C.F.R. § 1.97(d) This Information Disclosure Statement is being
	filed more th	an three months after the U.S. filing date and after the mailing date
	of a Final Re	ection or Notice of Allowance, but before payment of the Issue Fee.
	Enclosed fin	d our PTO-2038 Credit Card Payment Form in the amount of
	\$:	in payment of the fee under 37 C.F.R. § 1.17(p); in addition:
	□ a.	Statement under 37 C.F.R. § 1.97(e)(1). I hereby state that each
		item of information contained in this Information Disclosure
		Statement was cited in a communication from a foreign patent
		office in a counterpart foreign application not more than three
		months prior to the filing of this Information Disclosure
		Statement. 37 C.F.R. § 1.97(e)(1).
		Statement under 37 C.F.R. § 1.97(e)(2). I hereby state that no item
		of information in this Information Disclosure Statement was cited
		in a communication from a foreign patent office in a counterpart
		foreign application and, to my knowledge after making reasonable
		inquiry, was known to any individual designated in 37 C.F.R. §
		1.56(c) more than three months prior to the filing of this
		Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

5. The document(s) was/were cited in a search report by a foreign patent office in a counterpart foreign application. Submission of an English language version of the search report that indicates the degree of relevance found by the foreign office

	is provided in satisfaction of the requirement for a concise explanation of
	relevance. 1138 OG 37, 38.
☐ 6.	A concise explanation of the relevance of the non-English language document(s)
	appears below in accordance with 37 C.F.R. § 1.98(a)(3).
7 .	Copies of documents are submitted. However, in accordance with 37
	C.F.R. § 1.98(a)(2), no copies of U.S. patents and patent application publications
	cited on the attached Form PTO-1449 are submitted.
⊠ 8.	Copies of the documents were cited by or submitted to the Office in an IDS that
	complies with 37 C.F.R. § 1.98(a)-(c) in Application No. 09/574,558, filed
	May 19, 2000, which is relied upon for an earlier filing date under 35 U.S.C.
	§ 120. Thus, copies of these documents are not attached. 37 C.F.R. §
	1.98(d).
<u> </u>	It is expected that the examiner will review the prosecution and cited art in the
	parent application no(s) in accordance with MPEP 2001.06(b), and indicate
	in the next communication from the office that the art cited in the earlier
	prosecution history has been reviewed in connection with the present application.
	It is respectfully requested that the Examiner initial and return a copy of the
enclose	ed Form PTO-1449, and indicate in the official file wrapper of this patent
applica	ation that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Thomas C. Fiala

Attorney for Applicants Registration No. 43,610

Date:

1100 New York Avenue, N.W. Washington, D.C. 20005-3934

(202) 371-2600

FORM PTO-1449

ATTY. DOCKET NO.

APPLICATION NO. 09/780,179

Page 1 of 3

1875.132000I 09/ FIRST NAMED INVENTOR: QUIGLEY et al.

FILING DATE: February 9, 2001 ART UNIT: 2661

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NUMBER				U.S. I	PATENT DOCUMENTS					
AA1 5.631,846 05/1997 Szurkowski AB1 4.383,272 05/1983 Netravali et al. AC1 4.520,490 05/1985 Wei AD1 4.617,676 10/1986 Jayant et al. AD1 4.617,676 10/1986 Jayant et al. NOV 1 9 2004 AE1 4,941,154 07/1990 Wei Technology Center 26300 AF1 4,958,226 09/1990 Haskell et al. AG1 5,115,453 05/1992 Calderbank et al. AH1 5,227,878 07/1993 Puri et al. AH1 5,227,878 07/1993 Puri et al. AH1 5,339,384 08/1994 Chen AJ1 5,341,457 08/1994 Hall, II et al. AK1 5,488,633 01/1996 EPO AM1 0748 120 12/1996 EPO AM1 0748 120 12/1996 EPO AM1 0768 769 04/1997 EPO AM1 10-243371 09/1998 Japan AO1 10-243371 09/1998 Japan AO1 10-243371 09/1998 Japan AO1 2 312 362 10/1997 EPO OTHER (Including Author, Title, Date, Pertinent Pages, etc.) Thomas J. Kölz, "Upstream HFC Channel Modeling and Physical Layer Design", General Instruments Corporation, SPIE Vol. 2917, 11/1996, pp. 240-251 AR 1 Robert Wolters, et al., "An initialisation for a Burst-Mode Transport HFC System with Delay Determination by Power Distribution Measurement", Alcatel Telecom Research Division, SPIE Vol. 3233, 11/1997, pp. 353-360.				DATE	NAME	CLASS	SUB-CLASS	FILING DATE		
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Broadband Access Networks", AT&T Bell Laboratories, 2460 IEEE Communications Magazine 34, 03/1996, pp. 104-112. Robert Wolters, et al., "An Initialisation for a Burst-Mode Transport HFC System with Delay Determination by Power Distribution Measurement", Alcatel Telecom Research Division, SPIE Vol. 3233, 11/1997, pp. 353-360.		AR	Instrume	J. Kolz, "Upstrents Corporation	eam HFC Channel Modeli n, SPIE Vol. 2917, 11/199	ing and Physica 16, pp. 240-251	l Layer Desig	n", General		
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

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ATTY. DOCKET NO.

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APPLICATION NO.
09/780,179

DIRST NAMED INVENTOR: QUIGLEY et al.

BTALEMENT

FILING DATE: February 9, 2001

ART UNIT: 2661

INFORMATION DISCLOSURE STATEMENT

				U.S. PATENT	DOCUMENTS				
EXAMINER		DOCUME							
INITIAL	AA2	5,579,513	DATE 11/199	NAME Strohm	er	CLASS	SUB-CLASS	FILING DATE	
					<u> </u>				
	AB2	5,627,938	05/199	Johnst	on		ECEN	/FD	
	AC2	4,928,272	05/199	Ohue	Tana . Wake		NOV 1 9 2004		
	AD2	5,710,765	01/199	lee et	Lee et al. Banavong et al.	7			
	AE2	5,640,424	06/199	7 Banavo			nology Cen	nte <mark>r 2600</mark>	
	AF2	5,696,765	12/199	7 Safadi					
***************************************	AG2	5,881,363	03/199	9 Ghosh	et al.				
	AH2	5,943,604	08/199	9 Chen e	t al.				
	Al2	6,108,713	08/200	0 Samba	murthy et al.	-			
-	AJ2	6,137,793	10/200	0 Gorma	n et al.				
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			F	DREIGN PATEN	T DOCUMENT	S		. I ,	
EXAMINER INITIAL		DOCUME		cour	NTRY	CLASS	SUB-CLASS	TRANSLATION	
	AL2	97/10553		97 WIPC				Ye	
	AM2	97/15129	04/19	97 WIPC)			Ye.	
	AN2	97/16046	05/19	97 WIPC)			Ye:	
	AO2	97/41691	11/19	97 WIPC				Ye:	
	AP2	0 353 779	02/19	90 EPO				Ye:	
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	AR	Bharat T. Doshi, et al., "A Broadband Multiple Access Protocol for STM, ATM, and Variable Length Data Services on Hybrid Fiber-Coax Networks", Bell Labs Technical Journal, 06/1996, pp. 36-65. John O. Limb, "A Protocol for Efficient Transfer of Data Over Hybrid Fiber/Coax System", IEEE/ACM Transactions on Networking, Vol. 5, No. 6, 12/1997, pp. 872-881.							
	AS	2	Copy of International Search Report dated July 28, 2000 relating to corresponding International						
	AT	App	Application No. PCT/US99/25675, 6 pages.						
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ATTY. DOCKET NO. 1875.132000I 09/
FIRST NAMED INVENTOR: QUIGLEY et al.

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				U.S. P/	ATENT DOCUMENTS		*****	
EXAMINER INITIAL		DOC NUM	UMENT BER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
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EXAMINER INITIAL			CUMENT MBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL2							Yes No
	AM2							Yes No
	AN2							Yes No
	AO2			A. Ir				Yes No
	AP2							Yes No
	1		OTHER (Including Auth	or, Title, Date, Pertinent F	Pages, etc.)		
	AR	3	Declaration	of Lisa V. Denne	ey, executed August 14, 2002,	including attac	ched Exhibits 1	, 2 and 3.
	AS	<u>3</u>						
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EXAMINER: Ini	itial if refer	ence co	onsidered, when	ther or not citation the next communication	is in conformance with MPEP 609.	Draw line thro	ugh citation if not	in conformance